

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

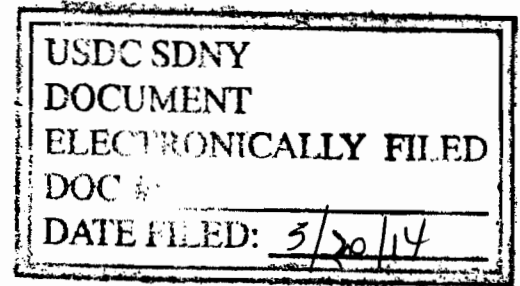
RICHARD P. HOBBS,

Plaintiff,

-against-

POLICE OFFICERS OF THE CITY OF NEW
YORK, et al.,

Defendants.



10 Civ. 5717 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

On June 26, 2013, defendants the New York City Police Department ("NYPD"), former Mayor Michael Bloomberg, former Police Commissioner Raymond Kelly, the New York City Council Members, and the City of New York moved for summary judgment in this action. (Dkt. No. 67.) On February 6, 2014, Magistrate Judge Henry Pitman issued a Report and Recommendation recommending that defendants' motion be: "(1) granted as to plaintiff's claims against defendants the NYPD, former Mayor Bloomberg, former Commissioner Kelly and the New York City Council; (2) granted as to plaintiff's claim against the City for acts that occurred after [November 11, 2011] and (3) dismissed as to plaintiff's claim against the City for acts pre-dating [November 11, 2011]." (Dkt. No. 95.)

Objections to the Report and Recommendation were originally due by February 24, 2014. Defendants and pro se plaintiff Richard P. Hobbs wrote separately to the Court, each requesting an extension of time in which to file their objections to the Report and Recommendation. (*See* Dkt. Nos. 98-101.) The Court extended the deadline for all parties to March 14, 2014. (*See id.*) The Court received defendants' objections on March 14, 2014. (*See* Dkt. Nos. 110-111.)

Also on March 14, 2014, plaintiff sent to the Court the following sixteen submissions: Mot. that all Questions & Answers in Def.'s Deposition of Pl. About Busking Be Deemed Irrelevant, not Material in that the Suit Is About the Issue of Posing for Pictures for Pay & not About Busking for Pay (Dkt. No. 104); Mot. for Magistrate Judge Pitman to Reconsider his Report & Recommendations & Order of 2/6/2014 in Light of These Pleading Attempting to Address the Issues He Raised & for Magistrate Judge Pitman to Notice any Points He Made that Pro-Se Pl. Has Failed to Address & Notify Him of Them with an Extension of Time for Him to Respond (Dkt. No. 105); Mot. for Court, Judge Stein and/or Magistrate Judge Pitman to Explain how Testimony of George Ciceron Given on 12-30-2011 & Submitted to Defs. Is not Valid Deposition when It Was Made & Submitted Before the End of Deposition on 3/31/2013 as per Order of Judge Pitman on 2/4/2013 (Dkt. No. 106); Mot. to Compel Defs. to Produce Information that Judge Stein Told Them to Produce About "Why in the World" the Police Are Telling this Man He Needs a Certificate of Authority when it Appears to this Court He Doesn't, that Defense Attorney Found out when He Inquired of the Police as Directed to Do by the Court on 8-11-2011 at 1:45 pm (Dkt. No. 107); Testimony of Pl. Regarding his Emotional State & Handicaps He Believes to Be Caused by Defs.' Actions in Answer to Pitman's Request for More Explanation of Pl.'s Needs & Mots. (Dkt. No. 108); Mot. for Judge Stein & Magistrate Judge Pitman to Explain how Pl. Can Amend his Compl. as the Court Directed Him to Do on 8-11-2011 (Dkt. No. 109); Mot. for Judge Stein to Review all Pl.'s Pleadings Submitted 3/14/2014 3/14/2014 & Pertinent Prior Mots. & to Dismiss the Mot. for Summary Judgment Made by Defs. Because He Deems the Issues in Light of the non Moving Party to Be Adequate to not End the Case on that Basis & to Notice Errors in Pitman's 2/6/2014 Report & Order that Show the Mts. of Pl. 74 through 85 Were not Read or not Read Correctly Placing Doubt on Their Accuracy & Validity & for Other Reasons the Court Judge Stein or any Competent Attorney Might Have Raised (Dkt. No. 112); Mot. for Deposition to Be Open Until all Parties

Comply with the Directive of Judge Stein on 8-11-2011 (Dkt. No. 113); Mot. for Court Stein and/or Pitman to Notice & Rule that any Competent Attorney Would Have Been Able to Get the Deposition Necessary from the Defs. that the Defs. No Doubt Have & Are Hiding or May be Hiding from Plaintiff (Dkt. No. 114); Mot. for Judge Stein to Notice & Realize that this Case is About Posing for Pictures for Pay & the Pl.'s Right to Be Able to Set his Own Rates & Fees for Others to Take Posed Pictures of Him & that the Government Has no Constitutional Right to Interfere—and Not About Busking & that the Issue of Busking Is not the Only Issue Pl. Spoke of in Hearing 8-11-2011 (Dkt. No. 115); Mot. for Reconsideration of Report & Recommendation & Corrections (Dkt. No. 116); Pl.'s Objections & Responses to Pitman's Order & Report & Recommendations on Defs.' Mot. for Summary Judgment & Pl.'s Responses (Dkt. No. 117); Statement of Pro-Se Pl. (Dkt. No. 118); Mot. for Court, Judge Stein and/or Magistrate Judge Pitman to Explain how Testimony of George Ciceron Given on 12-30-2011 & Submitted to Defs. Is not Valid Deposition when It Was Made & Submitted Before the End of Deposition on 3/31/2013 as per Order of Judge Pitman on 2/4/2013 (Dkt. No. 119); Letter of Richard Hobbs, dated Mar. 6, 2014 (Dkt. No. 120); Documents to Support Pleadings of Pl. on 3/14/2014 (Dkt. No. 121).

Several submissions contain plaintiff's disagreements with the Report and Recommendation, or exhibits in support of his objections, so the Court construes those documents as plaintiff's objections. (*See* Dkt. Nos. 105, 109, 112, 115-118, 120-121.)

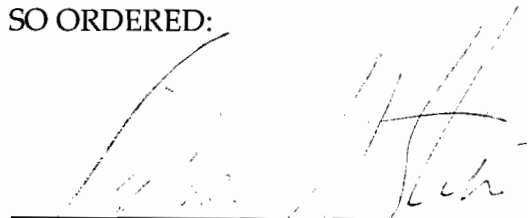
Having reviewed the parties' objections and having reviewed *de novo* the Report and Recommendation of February 6, 2014, the Court hereby ORDERS that:

1. Magistrate Judge Pitman's Report & Recommendation is adopted.

2. Defendants' motion for summary judgment is granted as to the following defendants: former Mayor Bloomberg, former Commissioner Kelly and the New York City Council.
3. Defendants' motion for summary judgment is granted as to defendant the City of New York for acts that occurred after November 11, 2011.
4. Defendants' motion for summary judgment is denied as to defendant the City of New York for acts that occurred on or before November 11, 2011.

Dated: New York, New York
March 19, 2014

SO ORDERED:


A handwritten signature in dark ink, appearing to read 'Sidney H. Stein', is written over a horizontal line.

Sidney H. Stein, U.S.D.J.